

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 06-20223-B

MICHAEL HOOKS, JR.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 26, 2007, the Defendant, Michael Hooks, Jr., filed a motion seeking a bill of particulars. This Court referred the motion to United States Magistrate Judge S. Thomas Anderson for a report and recommendation. On March 5, 2007, the Magistrate Judge issued his report, recommending that the motion be granted in part and denied in part. Specifically, the Magistrate Judge concluded that the United States “should be required to particularize the dates and amounts of any alleged payments from [Timothy] Willis to Defendant as alleged in Count 1 and the dates, amounts and value of the property allegedly obtained by Defendant from Juvenile Court as alleged in Count 2.” (Report and Recommendation at 6.) In addition, the Magistrate Judge found that the United States “should be required to provide the amount of the invoice that is the subject of Count 3.” (*Id.* at 7.)

Neither party presented any objections to the Magistrate Judge’s report, although the United States filed a response, stating that the exact dates and amounts of payments allegedly made by Willis to the Defendant are unknown. (Govt.’s Resp. ¶ 2.) Furthermore, the government included the dates, amounts and value of the property allegedly obtained by Hooks from Juvenile Court, but

asserted that the Defendant had already been provided this information. (Id. at ¶¶ 3-4.) Last, the United States claimed that it previously turned over to the Defendant all evidence it had relating to the invoice that is the subject of Count 3 of the indictment. (Id. at ¶ 5.)

Having reviewed the Magistrate Judge's report as well as the entire record of the proceeding before him, the Court ADOPTS Magistrate Judge Anderson's report and recommendation. Therefore, the government is ORDERED to provide the particulars the Magistrate Judge determined the Defendant was entitled to, except to the extent that it has already disclosed such information either in discovery or in its response to the report. The Defendant shall notify the Court if he believes that the government has not complied with this Order.

IT IS SO ORDERED this 31st day of August, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE